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 (by and through the California Highway
 Patrol) and Sergio Flores*

**IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

JACOB GREGOIRE,

 Plaintiff,

 v.

 CALIFORNIA HIGHWAY PATROL,
 an agency of the State of California;
 SERGIO FLORES, and DOES 1 to 20,

 Defendants.

Case No.: 14-cv-01749-GPC (DHB)

**MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT OF
 DEFENDANTS' EX PARTE
 APPLICATION FOR EXTENSION
 OF TIME TO FILE OPPOSITION
 TO REQUEST TO DECLARE
 APPEAL FRIVOLOUS**

Date: Ex Parte
 Time: Ex Parte
 Courtroom: 2D
 Judge: The Honorable Gonzalo P.
 Curiel

INTRODUCTION

Defendants State of California (by and through the California Highway Patrol) and Sergio Flores respectfully bring this Ex Parte Application for an extension of time to file their Opposition to Plaintiff's Brief re: Whether the Appeal by the State of California is Frivolous (Doc. 56). Defendants are seeking an extension from the current deadline of March 18, 2016, to March 24, 2016. The grounds for this request are stated in the Declaration of Douglas E. Baxter in Support of

Defendants' Ex Parte Application for Extension of Time to File Opposition to
Request to Declare Appeal Frivolous.

ARGUMENT

Rule 6(b) of the Federal Rules of Civil Procedure provides in pertinent part:

When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires[.]

In addition, the Court has the inherent power to control and manage its docket and the course of proceedings. *Southern California Edison Co. v. Lynch*, 307 F.3d 794, 807 (9th Cir. 2002) (citing *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992)).

"Good cause" to modify a scheduling or briefing order exists if the deadline for which modification is sought cannot reasonably be met despite the moving party's diligence. *Noyes v. Kelly Services*, 488 F.3d 1163, 1174 n. 6 (9th Cir. 2007); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

CONCLUSION

For the reasons stated in this Ex Parte Application, there is good cause to grant Defendants' request to extend the deadline for their Opposition to March 24, 2016.

Dated: March 15, 2016

Respectfully submitted,

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